

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RYAN KERWIN,)	
)	
Plaintiff,)	Civil Action No. 05-0093E
)	
V.)	Judge Sean J. McLaughlin
)	Mag. Judge Susan Paradise Baxter
LT. WILLIAM McCONNELL,)	
)	
Defendant.)	Electronically Filed.

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

AND NOW, comes the defendant, Lt. William McConnell, by his attorneys, Thomas W. Corbett, Jr., Attorney General, Kemal Alexander Mericli, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and respectfully move for summary judgment for the following reasons:

1. The pleadings, depositions, answers to interrogatories, and admissions on file, etc. show that there is no genuine issue as to any material fact, pursuant to Fed.R.Civ.Pro. Rule 56(c), concerning Plaintiff's claims.
2. In the alternative, defendant McConnell is entitled to summary judgment on the basis of qualified immunity.
3. A brief in support is incorporated by reference.
4. The following documents have been attached hereto:

Attachment A: Declaration of Tracy Pollock, dated March 2, 2006

Attachment B: Grievance number 57378

Attachment C: Grievance number 57372

Attachment D: Memorandum to William J. Wolfe from William McConnell, dated August 27, 2003

Attachment E: Misconduct number A495879

Attachment F: Misconduct number A436723

Attachment G: Pennsylvania Board of Probation and Parole Notices of Board Decision dated November 5, 2003 and October 29, 2004

Attachment H: Plaintiff's Sentence Summary

Respectfully submitted,

Thomas W. Corbett, Jr.
Attorney General

BY: /s/ Kemal Alexander Mericli
KEMAL ALEXANDER MERICLI
Senior Deputy Attorney General
PA I.D. No. 27703

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

(412) 565-7680

Date: March 3, 2006

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Defendant's Motion for Summary Judgment** was electronically filed and served upon the following via first-class mail:

RYAN KERWIN
DZ-0246
SCI-Albion
10745 Route 18
Albion, PA 16475-0004

/s/ Kemal Alexander Mericli
KEMAL ALEXANDER MERICLI
Senior Deputy Attorney General

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Date: March 3, 2006